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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined initial and second periodic reports of Nauru

Addendum

Replies of Nauru*

[Date received: 10 July 2017]

Note: The present document is being circulated in English, French and Spanish only.

* The present document is being issued without formal editing.

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Please recycle

1. Non-discrimination

It is indicated that "there is no Constitutional guarantee of substantive equality between men and women" (para. 71). Please provide information on steps taken towards establishing constitutionally guaranteed equality before the law between men and women.

1. Nauru's laws are already in compliance with many of the requirements of the international human rights treaties even prior to Nauru's signature of these treaties, due largely to the civil and economic rights in the Constitution and the fact that no law can be inconsistent with the Constitution. The compliance with the requirements of the international treaties has seen it become practised where people know their rights and they are protected.

Please provide information on the "discriminatory legislation" currently under review, clarify whether the review encompasses all discriminatory legislation and provide information on the stage of the review (para. 47).

2. In relation to discriminatory legislation the process involved would be the issue being brought either by a private individual or government after which a committee formed with consultation being done around the country and once the committee has tabled their report it is tabled in cabinet which than adopts the recommendations of the report.

Please provide information on the efforts made towards adopting comprehensive anti-discrimination legislation that includes a definition encompassing both direct and indirect discrimination in the public and private spheres (para. 72) and in all areas covered by the Convention in line with article 1 of the Convention (SDG Indicator 5.1.1).

3. There is nothing as yet in the pipeline towards adopting a comprehensive anti-discrimination legislation with a definitive definition however there are moves to have policies that deal with this as there are already in the policies in the workplace.

2. Access to justice

It is indicated that women have "equal capacity in civil matters" and that "there is no legislation that nullifies all contracts and instruments that limit women's legal capacity" (para. 187).

Please provide detailed information under which circumstances women's legal capacity may be limited in any way and indicate the steps taken to provide for women's full equal legal capacity under all circumstances.

4. There are no circumstances in which women's legal capacity is limited in any way. There is equal availability of representation for women in any legal matter including civil matters.

5. The Public Defenders' Office (PDO) are equipped to deal with civil matters but it is always a task specifically for pleaders who are ad hoc lawyers certified through a 6 month course in law allowing them to be admitted to the Bar in Nauru and are able to appear in court. They make up the bulk of civil appearances while PDO make up a small percentage.

Please provide information on programmes of legal aid in place for women, as well as whether there are provisions for reduction or waiver of court fees for women with insufficient financial means.

6. Free legal aid in Nauru is offered through the Public Defenders' Office (PDO) which was established in 2015 and consists of 2 senior government lawyers and a pleader. The PDO is open to both gender and children in relation to criminal matters therefore assuring equal access to the PDO within the public sector. In criminal matters PDO defends men, women and juveniles. In relation to family matters the PDO deals with adoption, divorce and maintenance which are functions that are often utilized by women.

7. In terms of access to justice PDO offer free general legal advice, assist in conveyancing such as deed polls, adoption papers and certification of documents.

8. Women with insufficient financial means are able to apply for reduction in court fees via the process of submitting a formal letter of application to the Chief Registrar outlining insufficient financial mean and requesting a waiver. In all known cases it has always been allowed.

Please provide information on safeguards in place to ensure that victims of gender-based violence against women are not compelled to resort to informal settlements or other forms of alternative dispute resolution mechanisms.

9. Safeguards in place to ensure that women victims of gender based violence are able to seek appropriate and optimal remedy and are not compelled to settle for insufficient resolutions is prescribed through the process of withdrawal through the Office of the Director of Public Prosecutions (DPP).

10. It involves meeting with the complainant/victim to obtain from them a statement for the reason for withdrawal and the DPP will present explanation on the consequences of the withdrawal. The discussion must ascertain whether or not there was coercion, threats or abuse involved in the motivation for the withdrawal. The final decision rests with the DPP always taking into full consideration the public interest factor.

3. National machinery for the advancement of women

Please provide detailed information on the Women's Affairs Department under the Ministry of Home Affairs, in particular with respect to its visibility, mandate, personnel and the budget allocated to the Ministry.

11. The Directorate of Women's Affairs under the Ministry of Home Affairs consists of the Director and 7 officers who are:

(a) Women's Development Officer coordinates operations of the Directorate ensuring that annual work plans are adhered to by the subdivisions;

(b) Project S.H.E.D (Self Help Ending Domestics) Coordinator leads on campaign and strategy efforts for male awareness on Ending Violence against women running programs such as Anger Control for perpetrators of Domestic Violence as well as take lead in the White Ribbon Campaign;

(c) Gender Focal Officer works closely with the Safe House Counsellor and liaises with the Gender Based Agencies on Gender Mainstreaming and Gender Based Violence;

(d) Safe House Counsellor concentrates on Safe House clients in counselling and supporting the women and children through investigation processes as well as court applications;

(e) Assistant Safe House Counsellor assists the Safe House Counsellor;

(f) Project Officer focusses on projects relating to women empowerment and violence against women (VAW) especially domestic violence and works closely with the Director;

(g) Executive Secretary facilitates the office logistics.

12. The Directorate for Women's Affairs is very vocal and visible in generating awareness for issues relating to women through community development programs such as Women in Business and women empowerment workshops such as Transformative Leadership Workshops which saw the election into parliament one of the participants; Ending Violence Against Women (EVAW) Community Consultations which instigated the beginning of the law reform processes for the Nauru Domestic Violence and Family Protection Act, 2017 and through Victim Support Services and SHED have assisted many victims or information seekers. Budgetary allocation is $185,671 under the Ministry of Home Affairs.

Please also provide further information on the Nauru National Women's Policy (para. 38), the Nauru Women's Plan of Action (para. 39), and the Nauru Gender Country Plan (para. 40), including the budget allocated to their implementation.

13. The Directorate of Women's Affairs are effectively implementing the goals of the National Women's Policy with the collaborative support and technical assistance of relevant ministries and agencies including the community and civil society. It is strongly guided by the multi-sectoral response of the National Sustainable Development Strategy (NSDS) 2005-2025.

14. As already stated $185,671 is the allocated budget for operations regarding the work plan of the Directorate of Women's Affairs which is directly steered by the National Women's Policy, Nauru Women's Plan of Action as well as the Nauru Gender Country Plan.

National Women's Policy Goals	*National Women's Plan of Action (Thematic Issues)*
Heightened participation of Women in Decision Making and Leadership in Government, state owned enterprises and at community level	ii. Education and Training for Women iii. Women in Decision Making iv. Good governance
Elimination of all forms of violence against women	i. Violence Against Women ii. Human Rights for Women iii. Religion iv. Women and culture v. Community/family
Improved economic status of women including workplace equality with men	i. Women and the economy ii. Women in agriculture and fisheries iii. Women and the environment
Improved women's health (including reproductive health and rights) services	i. Religion ii. Women and culture iii. Women and health iv. Women in sports

National Women's Policy Goals	*National Women's Plan of Action (Thematic Issues)*
Improved and equitable access to health services by women	i. Women and the economy ii. Women and health
Improved and equitable participation in all levels of education by girls and women	i. Education and training for women ii. Child (girl) iii. Youth
A strengthened Women's Affairs Department (WAD) and improved capacity Government agencies to mainstream gender equality programmes	i. Education and training for women ii. Women and the media iii. Human rights of women

Please indicate whether the State party is envisaging an update of the policy and the plans to include specific measures for women in particularly vulnerable situations, including women with disabilities, refugee and asylum seeking women, women heads of households and child mothers.

15. The need for update of the policy is recognized especially in the absence of a gender policy to take into consideration the vulnerable members of society being women and those of whom are in need for further support.

16. Throughout national discussions it is envisaged that the women's and gender policies will complement the National Disability Policy, 2015 as well as issues relating to Refugee and asylum seeker which is administered under the ambits of the Ministry of Multi-Cultural Affairs.

Please elaborate on the measures and budget in place to promote gender mainstreaming across all government policies, programming, and legislation.

17. The Department of Home Affairs is dedicated to the promotion of gender mainstreaming across all government policies, programming and legislation to stimulate gender neutrality however the work towards establishing a gender policy is foremost to catalyse such actions.

18. Thus far, newer legislations are utilizing gender neutral language. Policies and programing are specifically designed to take into consideration non-discrimination of gender factors.

Please provide updated information on the review of development assistance focusing on gender equality and women's empowerment (para. 172).

19. A review of the development assistance focusing of gender equality and women's empowerment was conducted in Early June, 2017 by DFAT Australia being the main donor in these support areas. A report is not yet available however the process involved the consultation of all local and relevant stakeholders.

20. The Pacific Gender and Human Rights Audit Toolkit 2016 was disseminated to Nauru. It consisted of 3 parts as follows:

- Part A. High Level Policy Assessment Criteria
- Part B. Detailed Assessment Criteria
- Part C. Sector Specific Assessment

21. The Gender Audit will be conducted within July, 2017 under the coordination of Home Affairs with the technical assistance of the Pacific Island Forum Secretariat.

22. Pacific Women Shaping Pacific Development provided the Nauru Country Plan Summary in July, 2014. Several expected outcomes have been achieved since its publication. They are:

Reduced violence against women and expanded support services

(a) The Nauru Domestic Violence and Family Protection Act, 2017 which through its implementation has formulated an integrated system for preventing and handling cases of domestic violence through the application of protection orders. This will see the co-operation of key agencies such as Nauru Police Force, Department of Home Affairs through its Victim Support Service which consists of Safe House Officers and Child Protection Services, Department of Health and Medical Services and the Department of Justice who are all a part of the Family Protection Coordination Committee (FPCC);

(b) A Gender Based Violence Counsellor is employed under the Ministry of Health and Medical Services as well as the availability of a Safe House Counsellor and a Child Counsellor;

(c) Within the agencies that are involved in the operations of domestic violence cases there are male and female officers for example the Child protection Services is comprised of 2 male and 6 female officers. In the Nauru Police Force Domestic Violence Unit there are 1 male officer and 3 female officers;

(d) As part of the implementations of the NDVFP, 2017 the Department of Health and Medical Services is a part of the Family Protection Coordination Committee (FPCC). It is legislated that Health workers must report on presented cases relating to domestic violence;

Increased women's leadership and decision-making opportunities

(e) There are now two women in parliament, one being a participant of the transformative leadership workshop that was run by UN Women in 2016 upon request of the Directorate of Women's Affairs. This will be an ongoing training to stimulate increased participation of women in decision making.

(f) Throughout the years there have been an increased number of women candidates running for the National General Elections.

4. Temporary special measures

It is indicated that "the Constitution of Nauru does not cover substantive equality and at present temporary special measures are not part of any legislation and policy" (para. 81).

Please indicate steps being undertaken or envisaged towards introducing temporary special measures, including them in national policies and programmes and allocating adequate human, technical and financial resources to their implementation, with a view to promoting and accelerating the realization of substantive equality between women and men.

23. A referendum in 2012 which also constituted the question of Temporary Special Measures (TSM) derived overwhelming feedback that women opposed to its principles as it implied an elevated therefore unfair playing field for women in

politics. This may have been stemmed from a contextualized understanding of TSM therefore further education for women in this aspect may be required.

5. Stereotypes and practices that are harmful to women

It is indicated that social and cultural stereotypes are prevalent in Nauru (para. 85) and that men traditionally assert control over women's way of dressing, mobility and behaviour (para. 132). Furthermore, according to the Nauru Family and Health Support Study (2014), 42.6 per cent of women respondents agreed with the statement "A good wife obeys her husband even if she disagrees"; 37.2 per cent agreed with the statement "A man should show he is the boss" 37.2 and 31.8 per cent agreed with the statement "Wife is obliged to have sex with husband".

Please provide updated information on efforts made to address such gender stereotypes discriminating against women, including through education campaigns for the public at large, as well as mandatorily included into all levels of the school curriculum, targeted at men, women and boys and girls.

24. There are social and cultural stereotypes prevalent in Nauru but there is no assertion of control of women's way of dressing, mobility and behaviour. Nauru is a matriarchal society and so the assertion that women are being controlled is incorrect. There is ongoing awareness to address gender stereotypes and there is support from the Government with a specific day allocated for International Women's Day including the budget allocation for the day as well as ongoing awareness on bridging the gap and creating awareness on discrimination. The statements 6 per cent of women respondents agreed with the statement "A good wife obeys her husband even if she disagrees"; 37.2 per cent agreed with the statement "A man should show he is the boss" 37.2 and 31.8 per cent agreed with the statement "Wife is obliged to have sex with husband" is grossly incorrect and misrepresented as this is not the consensus. In fact there is more awareness and enlightenment in relation to roles and gender and there is progress in making people knowledgeable about what their roles are in the family and society apart from their traditional roles.

6. Gender-based violence against women

Please indicate the legislative, policy and programme measures taken to follow up on the findings of the Family Health and Support Study (2014).

Please provide detailed information on how the new Crimes Act of May 2016, repealing the Criminal Code 1899 addresses gender-based violence against women, including whether all the suggested amendments referred to in the State party report have been included in the new act.

25. The Crimes Act 2016 repealed the archaic Criminal Code 1899. The new Crimes Act 2016 addresses gender based violence against women by expanding the legal definition of rape bringing it into alignment with other international jurisdictions simultaneously expanding on the sexual offences and increasing the penalties for sexual offences. It addresses gender based violence against women by elaborating on the provisions available to police to charge a perpetrator. Significant offences are captured under a single commission of the offence and the police and the prosecutor can choose which best to charge weighing in the public interest factor.

Please provide information on measures taken to encourage victims to report incidences of gender based violence against women.

26. Awareness programs such as the EVAW Campaign that is run consecutive to the White Ribbon Campaign is facilitated by the Directorate of Women's Affairs and aim to encourage victims to report incidences of gender based violence as well as discourage male perpetrators by the appointment of male champions. With the formation of an Inter- Agency Committee involving relevant stakeholders who work closely with victims including the Domestic Violence Unit of the Nauru Police Force who are first point of complaint the main objective is to optimize accessory of reporting.

Please also provide information on training for law enforcement officials and other relevant professionals on identification of victims of gender-based violence against women and on the existing referral mechanisms.

27. The Australian Federal Police have capacity building support within the Domestic Violence Unit through the presence of their Domestic Violence and Sexual Assault advisory officers. Specific trainings for victim identification and gender sensitization of sexual assault are run by the Pacific Police Domestic Violence Program (PPDVP) through annual regional training workshops that have been conducted in Australia and Fiji. In 2016, the Inspector for Operations, two sergeants from the Domestic Violence Unit (DVU) and a Senior Constable from the Criminal Investigation Unit (CIU) attended one of the workshops.

28. The Gender Based Violence (GBV) Advisor based within the Department of Health and Medical Services has also commenced training and awareness programs with health staff on gender and victim support.

29. The referral mechanisms are working and are being stabilized with the set-up of the Inter-Agency that consists of representative from the Faith Based Organization, Department of Health and Medical Services, Department of Justice, Department of Home Affairs, Civil Society and Nauru Police Force. They will work together to improve the victim support structure as well as substantiate an effective referral system.

Please provide detailed information on the availability of shelters for victims of domestic violence. Please clarify whether the Safe House (Eoag 'N Ratequo) referred to in paragraph 36 is the sole shelter in the State party and indicate whether measures are taken or envisaged to establish shelters suitable for long-term stay.

30. The Safe House is formally known as the Eoag 'N' Ratequo which is the local translation for 'House of Guests'. There is only one such institution and there are current plans for infrastructure renovation as well as expansion to add to the existing five (5) rooms.

31. The work of the Safe House is to assist the reconciliation of families or reintegrate the victims back into the community allowing them the period of stay that will enable them to rejoin family. During the time of stay food is provided and police escort is mandatory for collection of needed items from the client's home such as change of clothing. Clients also undergo counselling which sometimes extend after they have returned to their families or found a safe place to reside.

With reference to the information provided in paragraph 37, please provide updated information on support provided to initiatives which work with men and boys to tackle gender-based violence against women.

32. Awareness and community outreach programs are coordinated by the Women's Affairs through EVAW Campaign that is nationally honoured the week before Human Rights Day.

33. The SHED Programme deals with counselling perpetrators of domestic violence empowering them to practise family protection and peace. It designates male champions from various status and age level as an role model incentive for to all men and boys. Ever since the 2016 White Ribbon Campaign and during the Community Outreach Programs the Male Champions Pledge to End Violence against Women and Children is made available for any willing man to sign. So far there have been well over 100 hundred signatures.

Please provide information on the coordination between the Domestic Violence Committee (para. 50) and the National Steering Committee on Domestic Violence (para. 51).

34. The Domestic Violence Committee and National Steering Committee on Domestic Violence have dispersed. As prescribed through the Nauru Domestic Violence and Family Protection Act, 2017, the formation of the Family Protection Coordination Committee will be finalized by the end of July, 2017. Its task is to oversee the effective implementation of the Act. Its function is to ensure that all logistical requirements such as forms are available at all times and duties of all service providers are accessorized appropriately to ensure access to protection for victims of domestic violence.

Please indicate whether the State party has developed a comprehensive policy on gender-based violence against women (para. 61).

35. There is yet to be a policy on gender based violence against women that holistically addresses all gender based issues. At present, Domestic Violence as one aspect of GBV is being addressed through the implementation of the NDVFP Act, 2017. Thus far there have been 4 Protection Orders granted to applicants.

Please provide statistical information on rape, disaggregated by the age of the victim and their relation to the perpetrator.

36. The introduction of the Crimes Act has seen an increase in reporting and in the past the data collection has always been where the victims were young girls and women. In most instances of rape, there were relationships with the perpetrator.

Please indicate whether an equally high punishment is provided for rape occurring within marriage as for rape occurring outside of marriage.

37. The definition of rape has been expanded in the Crimes Act 2016 and so includes rape occurring within the marriage and as seen under s.104 of the Crimes Act 2016. The penalties for rape are in 2 parts, for normal offending and where aggravating circumstances apply and so usually will be noted whether it falls under the category of aggravation under s.102 of the Crimes Act 2016.

Please clarify whether sexual harassment is explicitly criminalized.

38. Sexual Harassment is not explicitly criminalized however they can be captured in the many sections related to sexual assault or indecent assault.

In the light of reports according to which the sexual history of rape victims has in the past been revealed during court proceedings, please provide information on legislative changes envisaged or taken to prohibit such practice.

39. Legislative changes have been undertaken and the past sexual history is defined under s.120 of the Crimes Act 2016 and past sexual history is not allowed under s.121 of the Crimes Act 2016.

Please comment on reported cases of sexual abuse, including incest involving girls between 8 and 15 years of age.

40. There were 38 cases under the Domestic Violence Unit of the Nauru Police Force reported in 2016 and no reports of incest cases.

Please indicate whether the amendment of the Criminal Code has criminalized all sexual offences against children (para. 44).

41. The repealing of the Criminal Code 1899 and the introduction of the Crimes Act 2016 has criminalized all sexual offences against children in most instances is seen as an aggravating factor which increases the penalty under the offending.

Please also clarify whether the amendment also encompassed legislative amendments to Section 352 of the Criminal Code in order to ensure that the abduction of girls is criminalized under all circumstances, irrespective of whether the girl is married or if her parents have consented to her removal.

42. The Criminal Code has been repealed and replaced by the Crimes Act 2016 and there is an offence of Deprivation of Liberty under s.88 of the Crimes Act 2016 as well as kidnapping.

8. Trafficking and exploitation of prostitution

Please provide updated information whether trafficking in persons is criminalized under the revised Crimes Act, and whether the law is sufficiently gender-sensitive.

43. Components of trafficking such as 'Kidnapping' also defined as the intention to unlawfully take and send person out of Nauru and Deprivation of Liberty which is the intentional detainment and unlawful confinement of another person, are punishable through the Crimes Act, 2016. Depending on aggravating factors such as the age of the victim the penalty for kidnapping is 15 to 20 years. In cases of Deprivation of Liberty with age also being the aggravating factor the penalty is 7 to 10 years.

44. In the Immigration Act, 1999, Section 26 to 35 where the offences of trafficking are clearly defined as being liable to a penalty or fine not exceeding AUD50,000 where Nauru is the receiving country or the exploitation occurs in-country or whether the origin of trafficking is Nauru or transit occurs in Nauru.

45. The specificities of the trafficking provisions consider all aspects of gender imbalances prescribing for trafficking situations that would significantly impact more on a woman.

Please provide information on the mechanisms in place to identify victims of trafficking, as well as on preventive measures taken by the State party, especially among marginalized and disadvantaged groups of women and girls, including in particular asylum-seeking and refugee women.

46. There have never been any recorded cases of trafficking known to operate within Nauru borders.

47. There are strict monitoring systems of unlawful employees and illegal migrants as well as improved border control security protocols that can directly be used as mechanisms to identify victims trafficking. Furthermore mechanisms in place to identify victims of trafficking comes under the normal process of the Nauru Police Force in terms of information gathering, investigative processes and charging.

48. The Refugee Status Determination process is a series of different stages of interviews and research that requires a thorough collation of an asylum seeker's credibility to become a refugee. The Multi-Cultural Affairs have in place gender oriented policies that would regard such situations. Host is the main service provider that works around the clock to support case workers and as such any issue in relation to the offence of trafficking and prostitution there are mechanisms for reporting are in place.

Please provide updated information on efforts made to collect data, disaggregated by age and ethnicity, on women and girls who have been victims of trafficking and prostitution.

49. There have been no recorded cases of trafficking.

50. There have been a few alleged cases on prostitution where local women are selling themselves to refugee men.

Please provide information on measures in place to address the root causes of prostitution and to provide women in prostitution with access to exit programmes.

51. Family based awareness is effective. This may be because Nauru's communal structure centralizes the home as being the comfort zone. Recent practices have seen the consultation of families of the affected person on how to best support the informal exit programme.

52. The Child Protection Services is trialling a social integration program, involving a group of girls in scheduled activities during the week such as group aerobics or clean-up for fun. The focus is always qualities and values such as confidence and self-acceptance so that they are able to return to school and interact with peers as well as to aim for better lives through education.

9. Participation in political and public life

It is indicated that the representation of women in Parliament and their participation in high public office is very low (para. 78, 79 and 105).

Please provide updated information on efforts taken and envisaged to introduce temporary special measures to increase women's representation and to tackle the resistance within the communities (para. 78 and 105).

53. As stated in paragraph 78, "There is no direct barrier to women's participation and there is no legal impediment to prevent equal treatment of men and women. There has been an increase in women candidates participating in general elections with the most nine (9) at one time". As all other country contexts the concept of women empowerment has slowly ascended the number of women participating in the political arena.

54. The notion that only men are our leaders was introduced by the westernization of Nauru. This is no longer a resistant factor within communities as the Nauruan people begin to realize once more their cultural values.

55. Temporary Special Measures (TSM) has proven unpopular in past consultations as the general consensus of women do not view it as helping them when they can earn their own way.

It is indicated that "favouritisms and nepotism" prevent women from participating in public office and that consultation with women regarding the development of new laws is very limited (para. 108).

56. Almost 50 per cent of the Head of Department (HOD) positions are held by women as well as several State Owned Enterprises that are chaired by women. All ambassadorial positions in Brisbane, Taiwan, Thailand and Fiji are held by Nauruan women. Within these agencies there are women directors as well as senior officers therefore contribution of women in the formation of new laws is included and considered a valuable source of stakeholder information.

Please provide information on efforts made, as well as policy changes to ensure women's equal participation in political and public life, including through the use of temporary special measures, such as quotas.

57. There are no legal provisions that prevent women's equal participation in political and public life.

Please also provide information on awareness-raising measures about the importance of such temporary measures.

58. The issue of TSM has been brought many times in trainings and consultations and it is slowly stimulating interest in its comprehension of levelling the playing field however a minority of interest has been shown therefore contextually does not constitute for prioritization at present.

10. Nationality

Please provide information on the steps taken to bring the legislation on nationality into compliance with article 9 of the Convention, ensuring equal rights for both men and women to acquire, change, retain or transfer their nationality.

59. The Naoero Citizenship Act has recently undergone amendments to allow equal rights for both men and women such as every person born and raised in Nauru is entitled to apply for Nauruan citizenship. Women and men who can prove national ties through biological connection and therefore prove landownership through these ties are able to apply for Nauruan citizenship.

11. Education

Please provide statistical data on secondary school completion rates for girls.

60. The secondary school completion rate for girls is 56 per cent.

Please indicate whether the State party is envisaging the introduction of age appropriate, compulsory education on sexual and reproductive health and rights, particularly aiming at addressing the high prevalence of teenage pregnancy (paras. 141; 144; 174 and 176).

61. In 2015, the Department of Education introduced the Family Life Module that commenced at Year 9 level teaching students about reproductive health particularly focusing on teenage pregnancy. This has been discontinued because of issues of human resource and teaching aid. Plans to revitalize the program remain in the pipeline but this time streaming down to the lower levels.

With reference to paragraphs 89, 98, 142 and 145, please clarify whether girls who are pregnant are required to leave school. Please also provide details of efforts made to support child mothers in pursuing their education.

62. In relation to paragraph 89, 98, 142 and 145, girls who are pregnant are not required to leave school however after the time of giving birth girls are then

encouraged to return to continue with their education. Family support especially regarding parents and guardians is important to be considered as being the main concern in permitting the practicalities of young mothers to continue with their education.

63. Schools in Nauru practise an open door policy and no child is left behind however often girls leave school on their own volition. There is a parenting program adopted by the Department of Education that conducts formal education at flexi hours every afternoon for young mothers.

With reference to paragraph 135, please provide updated information on progress made towards collecting data on sexual harassment and abuse within schools.

64. There is no data on sexual harassment and abuse within schools.

65. In relation to bullying and violence by Nauruan pupils leading to refugee and asylum seeker girls dropping out, all schools have a no bully rule which is implemented and all teachers are aware and have processes for reporting should bullying occur. For non-traditional fields of study there is TVET available at Nauru Secondary School TVET and at Nauru College they have trade, hospitality, automotive, IT training available as well.

Please provide information on safeguards in place to ensure that sexual harassment and abuse within schools are adequately investigated and perpetrators are punished with sanctions under criminal law.

66. Sexual harassment and abuse within schools follow the same process as any criminal investigation. They are adequately investigated and perpetrators are punished with sanctions under criminal law or the Child Protection and Welfare Act, 2016, if it is reported or detected.

Please indicate the steps taken to ensure that all schools are equipped with sanitary facilities for girls.

67. There are sanitary facilities available in Nauru Secondary School which is the only secondary level institution on island however the Department of Education is working towards introducing them to the two middle schools in the near future.

Please comment on reports according to which refugee and asylum seeking girls are subject to harassment, bullying and violence by Nauruan pupils, which also leads to school drop-outs.

68. Bullying and harassment is an ongoing problem that has absorbed much of the Department of Education efforts. It is a social issue that stems from stigma and discrimination from physically stronger students and it has affected many groups of people from local to expatriate to refugees and asylum seekers.

69. The Rock and Water Program was run in early 2016 teaching participants about behaviour control based on non-discriminatory views of people.

70. As part of the Anti-Bullying Campaign notice boards have been erected at the school gates where bullying is most prominent that state "This is a no bullying zone".

Please provide information on measures taken to increase the number of girls pursuing non-traditional fields of study.

71. Elective subjects such as Cooking, Sewing, Wood work and Technical Drawing are available to both genders. Schools encourage girls and boys their freedom in selection. Career week occurs annually from the middle school to secondary levels, assist students to make subject choices according to their career

desires and aspirations therefore regards the relevance of non-traditional fields of study.

Please indicate how teachers' compliance with the Policy Manual (2007) is monitored (para. 90).

72. Teacher compliance with the Policy Manual, 2007 is monitored through the Principal's administration where reports are submitted on non-compliance. Staff meetings are held weekly for updates and any serious allegations will be moved up to the Secretariat for investigation and disciplinary action.

73. There is a liaison officer in every school that foresees teacher attendance and punctuality.

12. Employment

Please provide information on efforts made towards explicitly prohibiting discrimination based on sex in the workplace and to introduce a law on equal pay for work of equal value.

74. There are no issues of sex discrimination in the workplace in fact there are more women in the public service than there are men.

75. The new Public Service Act, 2015 provides in detail equal pay for work of equal value. The Nauru Public Service Salary Scale is not segregated by gender implying that any holder of the same position, woman or man are entitled to the remunerations prescribed in the salary scale and not by merit of sex.

Please indicate efforts made towards alleviating the burden of unpaid care work for women.

Please also provide information on measures taken to increase employment opportunities for women in traditionally male-dominated areas (para. 151).

76. All places of work that are traditionally male-dominated are recently more open to the entry of women. Lesser advertisements include male only clauses except for cargo loading which takes into account physiological attributes that traditionally deem this type of work high risk for women. There are more women in Police and Fire fighting as well as Security work.

Furthermore, please indicate whether the State party has taken steps towards explicitly criminalizing sexual harassment in the workplace.

77. After the enactment of new Public Service Act, 2016 the first case of sexual harassment was reported and disciplinary actions saw the removal of the male officer from a substantive position. The complainant did not seek criminal justice for this act but was satisfied with his termination.

78. Sexual harassment in the workplace is sanctioned in the Crimes Act, 2016 and is a disciplinary offence in the code of conduct.

13. Maternity leave

With reference to paragraph 41, please indicate whether the State party is envisaging legislative amendments which would introduce a right to maternity leave, including for women who have completed less than one year of service.

79. Under the new Public Service Act 2016, Section 60, women are entitled to maternity leave after a 6 month continuous period of work whereas it was formerly after 1 year of service.

Please clarify whether the possibility to take maternity leave applies only to the public sector (para. 41).

80. Maternity leave is currently being recognized and adapted into private company policies. State Owned Enterprises (SOE's) are mandated under the Public Service Act, 2016.

81. **Please clarify the steps taken to ensure that a mother who has delivered a still-born child is also entitled to a reasonable duration of maternity leave (para. 88).**

82. As the provisions of Maternity Leave under the Public Service Act, 2016 are prescribed in terms of pregnancies then the mother of a still born child is entitled.

In view of the information provided in paragraph 154, please provide updated information on efforts made with regards to (a) protecting women from dismissal based on their pregnancy; (b) introducing a breastfeeding policy, which allows for the possibility of taking sufficient breastfeeding breaks; (c) allowing women who carry out occupations which may have a harmful effect on their pregnancy to start maternity leave earlier.

83. The dismissal of women based on their pregnancy is covered under Section 63 (1) of the Public Service Act, 2016 where it states that "No employee must be terminated from her public service employment on the ground of pregnancy". After the introduction of a Breastfeeding Policy in the early 2000 that accrued a lot of interest and public awareness of the vitality of breast milk to the development of a child. There is no need to revive this policy as there are no legal or social barriers prohibiting women to breastfeed in the workplace.

84. There are no such allowances of early maternity leave for women who work in high risk occupations for pregnant women. It is a matter of work place policies that women are temporarily transferred to less hazardous roles without affecting salary. This is a usual practice in the Nauru Police Force.

Please indicate specific measures in place to raise the awareness of men regarding the importance of sharing family responsibilities.

85. Plans are in the pipeline for Family and Community Services to commence public awareness workshops targeting men on sharing family responsibilities called "Lend A Strong Hand".

86. The adjustment of the Public Service Act, 2016 to include paternity leave sends a strong message to men that sharing family responsibilities is respected at the national level.

Please also provide information on efforts made to establish available and affordable childcare facilities to allow parents to reconcile work and family life (para. 155).

87. Nauru Secondary School established a make shift child care facility for teachers in their old home economics room for a trial run in 2013. At first it was a success until parents were skipping payments. Another problem was that it had only one care giver looking after up to 7 kids from ages 0 to 2 years. It closed down at the end of that year.

14. Health

With reference to paragraphs 177 and 178, please provide updated information on women's access to safe abortion and post abortion care; and whether the amendment of the criminal legislation has legalized abortion in cases of rape, incest, threats to the life and/or health of the mother, or severe fetal impairment.

88. In Section 63 of the new Crimes Act, 2016 abortion is legal in cases of rape, incest, threats to life and/or health of the mother including medical proof of severe fetal impairment.

Please also indicate whether the State party is envisaging decriminalizing abortion in all cases. It is indicated that women do not have equal access to health care services, including those related to family planning (para. 178).

89. Public Health administers safe and consulted family planning modules such as the distribution of birth control pills, pregnancy control injections, condoms, tube ligation. It also provides means to stop pregnancy for example, Jadelle. Emergency pills can be given within 72 hours to rape victims to prevent pregnancy.

Please provide additional information on the obstacles faced by women in accessing health care services and indicate whether steps are being taken to ensure women's equal access to health care services.

90. There are no hindrances that prevent women accessing health care services in Nauru except for situations where resources are lacking for diagnosis or treatment women are put into the overseas medical referral system.

In this regard, please also provide detailed information on access to modern forms of contraception, its costs and whether access is subjected to age limitations or spousal consent.

91. The most modern form of contraception in Nauru is Jadelle which has replaced nor-plant, condoms, pills and injections. It is not subject to age limitation or spousal consent. Contraceptive control is now recognized as the choice of the woman or young girl and the public health is able administer them to sexually active client as per request.

Please provide information on the steps made to introduce legislative change which would abolish the requirement for the husband's consent for reproductive rights decisions (para. 176 and 179).

92. Tube ligation requires the husband's consent to be performed as it is a surgical procedure that may procure risks. This is relevant for legal protection of the hospital and its procedures rather than to the limitation of choice of the woman.

Please provide updated information on the planned development of a reproductive health strategy and of age appropriate services around sexual and reproductive health (para. 181).

93. Public Health holds successful awareness programs throughout the year in various communities promoting the importance of reproductive health. Mobile pap smear stations with an all-female team of nurses and doctors move around the island once a year as an attempt to reach out to women who experience transportation issues or other family duty problems.

94. District nurses are stationed in district clinics that have been built for on sight general check-ups who can set up formal appointments with the main hospital to avoid long waits in queues.

15. Women and health

According to information before the Committee, health problems, including cancer, are increasing (particularly in the Aiwo District) which is inter alia linked to emissions from the phosphate mines, and that women are subjected to different forms of cancer and lack of adequate treatment.

Please provide information on how the State party is addressing the problem of phosphate emissions.

95. Major health issues for the people of Aiwo, men, women and children have been respiratory problems. This has been an ongoing issue however it has been a balancing discussion of national revenue for sustenance including the voice of land owner beneficiaries from the phosphate exportation and health. There have been executive decisions to commence the bagging of dust emissions from the phosphate preparation.

Please also provide information on the progress made to provide health facilities with the necessary equipment to identify cancer, including breast and cervical cancers (para. 176) and to ensure adequate treatment within the State party or speedy referral to overseas medical treatment.

96. Cervical cancer detection through pap smear is performed locally while biopsy depends on the doctor. Overseas medical treatment is always available to the locals and they are referred to hospitals in Thailand, India, Australia and Fiji for treatment.

Please provide general information about the criteria for overseas medical treatment, women's access to overseas medical treatment and data on women having obtained overseas medical treatment as well as measures in place to ensure that women are informed about these referral possibilities (para. 175).

97. The Overseas Medical Referral Policy is to prioritize cases that are not treatable on island due to the unavailability of specific equipment or specialized doctors. Most pre-natal complication cases especially high risk heart patients are referred overseas. These referral possibilities are brought to the attention of a patient after they are deemed in need for it.

16. Climate change

Please provide information on community consultations regarding the reduction of climate change impact and the involvement of women at all levels of these deliberations.

98. Firstly women are welcome to attend and contribute to any community consultation where everyone is allowed to speak. Often than not women are more vocal as this is a traditional role of a woman in Nauru.

99. The Department of Commerce, Industry and Environment is the coordinating agency for climate change. In the past 5 years several community consultations have been held regarding mitigation and adaptation factors for climate change impact on Nauru which are drought and the increase height of king tides.

100. Women's views along with men's have significantly formulated action towards the building of the sea walls along many king tide affected areas of the island.

Please provide information on whether a gender perspective has been integrated into the Framework for Climate Change Adaption and Disaster Risk Reduction.

101. Climate Change impacts implicates human rights violation which make vulnerable groups such as women more susceptible therefore enforcing the use of gender lens when operationalizing the Framework for Climate Change Adaptation and Disaster Risk Reduction. CIE as the implementing Ministry of the Framework ensures gender inclusiveness in all levels of work.

17. Disadvantaged groups of women

Recalling general recommendation no. 27 (2010) on older women and protection of their human rights, please provide information on the situation of older women, including their access to care, health and social services (paras. 155 and 164).

102. Elders are respected members of the Nauruan community and being a matrilineal culture, more so the woman. Families are responsible for looking after their own including the elders. The cycle of care signifies that when you are old it is your children's turn to look after as you did when they were young.

103. A welfare pension of AUD200 is provided by government to 60 years plus citizens and is known as the 60 plus pension.

Furthermore, please provide information on measures in place to provide support to female heads of households (para. 165).

104. There is no specific support in place for female heads of households.

18. Women with disabilities

Please specify the measures in place to empower women and girls with disabilities to tackle discrimination experienced by them and to ensure their access to all rights under the Convention.

105. Activities regarding persons with disabilities are slowly occurring through the domestication of the Convention on the Rights of Persons with Disability (CRPD). The Nauru Persons with Disability Organization is an NGO that is recognized in its works of empowering people with Disability. It is led by an active and vocal woman ex-parliamentarian who is the president of the organization.

Please also provide information on measures to ensure accessibility of mechanisms to report gender-based violence against women.

106. Availability of mechanisms for women with disability to report gender-based violence against women is only limited to wheelchairs users with the provision of ramps at the police station.

Furthermore, please indicate efforts made to provide women and girls with disabilities with access to inclusive education, as well as to introduce temporary special measures for their access to employment and political office.

107. Access to inclusive education is a gradual effort by the Department of Education due to the need for more specialized teachers. All school infrastructures are undergoing renovations to enable accommodation of physically disabled students.

Please comment on reports according to which women with disabilities are given contraceptives or are sterilized without their consent and indicate whether safeguards are in place to prohibit such interventions without informed consent.

108. There are no recorded cases of the above-mentioned.

Please provide updated information on the status of the draft National Policy on Disability and how it addresses girls and women with disabilities (para. 62).

109. This is in line with Nauru's responsibilities under 2 key regional frameworks which is the Incheon Strategy to Make the Right Real for Persons with Disabilities in the Asia Pacific Region 2013-2022 and the Pacific Regional Strategy on Disability (PRSD) 2011-2015.

19. Asylum-seeking and refugee women

Please provide information on efforts made to improve the particularly dire living conditions of women refugees and asylum seekers in order to ensure that they comply with international standards, including to create adequate conditions for nursing mothers and their babies.

110. The living conditions of woman refugees and asylum seekers have considerably improved since their first accommodation with the building of hard-walled marquees in RPC 3 where all women asylum seekers including Single Adult Females reside. Refugee woman live in the Refugee Lodges that are situated outside of the Regional Processing Centres.

111. Nursing mothers and their babies are placed in air conditioned marquees for a period of three months.

In this regard, please also provide information on efforts made to provide refugee and asylum seeking women with access to adequate medical care, including during pregnancy, childbirth and the post-natal period, adequate emergency medical care, as well as adequate mental health services.

112. Refugees are treated in their own specific clinics for general check-ups and medical clinics by International Health and Medical Service (IHMS) Staff. There are also allocated times for refugees in the RON Hospital outpatient schedule for Medical and Dental clinics.

It is reported that inside Regional Processing Centres sanitary pads are issued in restricted numbers only as they are considered a fire hazard. Please elaborate on access to menstrual hygiene needs by women and girls inside Regional Processing Centres.

113. This is not true.

Please provide information on the situation of women refugees who are awaiting relocation to foreign countries.

114. There are no refugees including women waiting to be relocated to foreign countries.

20. Sexual assault response

Please provide updated information on the efforts made to establish the necessary mechanisms for identifying, reporting, responding to and preventing sexual assault both inside and outside Regional Processing Centres, to bring perpetrators to justice and to provide victims with redress and rehabilitation.

115. There are strict policies that provide for the safety and protection of all asylum seekers within the RPC's. Security officers are present around the clock nowever if

the need arises they are fully trained to respond to reports of sexual assault which is a matter that is directed to the Nauru Police Force.

Please also provide updated information on whether any punishment has been pronounced for assault, including different forms of sexual assault, where the victim was a refugee or asylum seeker.

116. There have been cases brought before the courts for refugees who have been charged for assault and they have received sentences ranging from suspended sentences to bound over. The cases involving where victims are refugees or asylum seekers are ongoing in the system.

In this regard, please also comment on reports, according to which police disregard complaints by refugee and asylum seeking women or discourage them from filing a complaint, and indicate the measures in place to ensure that members of the police competently investigate each case reported to them.

117. This is not true. No complaint is disregarded by the police as they are all captured in the Police Prol System database. Nobody is discouraged from filing a complaint and the members of the Police Force are trained to competently deal and handle all investigations irrespective of whether they are asylum seekers, refugees or local nationals.

In view of reports according to which refugee and asylum-seeking victims of rape and other forms of assaults have been threatened by perpetrators with murder if they report to the authorities, and that a high number of cases are not reported due to fear and retaliation, please provide information on progress made in order to protect women victims from harassment, threats, retaliation and violence and provide them with an environment of security and trust during the pre-investigation, investigation, trial and post-trial stages.

118. This is not true. There has been enough awareness and information on the responsibilities and civic obligations that the locals have toward asylum seekers and refugees as well as educational packages and training for refugees before they are integrated and assimilated into the community.

In view of reports indicating that some refugee and asylum seeking women have become victim to female genital mutilation (FGM), please provide information on safeguards to protect women against FGM and other forms of harmful practices and to punish perpetrators.

119. There have never been cases of FGM in Nauru within the refugee or asylum seeker communities.

21. Marriage and family relations

Please indicate whether the State party is envisaging amendments to the relevant pieces of legislation with a view to setting the minimum age of marriage at 18 years of age (para. 190).

120. The Birth, Deaths and Marriage Act was recently amended in 2016 to elevate the legal age of marriage to a minimum of 18 years.

Please also indicate whether the State party is envisaging legislative amendments to the Matrimonial Causes Act 1973 to bring it into full compliance with the Convention, inter alia, with regard to (a) facilitating divorce procedures (b) bringing the State party's regime of property division into compliance with article 16 of the Convention (para. 194); (c) enabling women to occupy the marital home when settlement is not possible or if she has become victim to gender-based violence against women (para. 193).

121. The progressive realization of CEDAW will positively see the necessary amendments to all relative legislation that is contextually appropriate to Nauru. It must be taken into consideration that most families reside in an extended family setting which may mean impossibilities of the woman to occupy the marital home when it is the main house of the husband's relatives. Another issue would be land ownership of the land that the marital home is built on as places of dwellings are not the permanent property of the household owner unless there have been 100 per cent signatories of beneficiaries then it becomes a transfer of land.

It is indicated that Sections 10(1) (e) and 12 of the Matrimonial Causes Act 1973 require the court to promote reconciliation (para. 193). Please clarify whether any safeguards are in place to ensure that women are under no circumstances compelled by law and practice to accept reconciliation.

122. Women in Nauru are under no circumstances compelled by law to accept reconciliation. How it was a many decades ago where in practice women were encouraged, even forced to reconcile due to reasons that took into account children, matrimonial vows and none that considered themselves, has changed. Women are more empowered to make decisions that take their safety, protection and choice including their children into consideration.

22. Maintenance

Please indicate whether the State party is intending to review the Maintenance Act 1959 to bring it into full compliance with the Convention, in particular with regards to (a) Ensuring that a woman who has left her husband is entitled to maintenance under all circumstances (para. 192); (b) amending Section 5 (6) with a view to expanding the conditions under which maintenance can be received, and to inter alia include women as beneficiaries who have committed adultery or who have an alcohol addiction (para. 192); (c) amending Section 6 (5) of the Maintenance Act 1959, with a view to not automatically excluding patrimony if the mother is involved in prostitution or had sexual intercourse with another man (para. 192); (d) providing women with equal rights with regards to guardianship, wardship, trusteeship and adoption (para. 197).

123. As part of the gradual realization of CEDAW the review if the Maintenance Act, 1959 is on the agenda as all other issues that need to be addressed accordingly.

Please also indicate whether the State party is envisaging measures to provide de facto relationships with increased protection and recognition (para. 196).

124. Although the laws have yet to provide for the protection and recognition of couples in de facto relationship, it is a socially accepted status and poses no threat or discrimination in any aspect of the Nauruan life.

23. Optional Protocol to the Convention

Please indicate what progress has been made towards the ratification of the Optional Protocol to the Convention.

125. Nauru will ratify the Optional Protocol to CEDAW when it is satisfied that they are at a strong footing to fulfil the obligations therein. At present, the State is gradually but effectively domesticating CEDAW within measures of best practices of the Nauruan context and until it is able to do so the ratification of the Optional Protocol will naturally follow.